

Exhibit 6

*State of California ex. rel. Ven-A-Care of the Florida Keys, Inc. v.
Abbott Laboratories, Inc., et al.*

Exhibit to the Declaration of Nicholas N. Paul in Support of Plaintiffs' Motion for Summary
Judgment as to Defendant Mylan

CAUSE NO. D-1-GV-07-001259

- - - -

THE STATE OF TEXAS)	IN THE DISTRICT COURT
)	OF
ex rel.)	
)	
VEN-A-CARE OF THE)	
FLORIDA KEYS, INC.)	
)	
Plaintiffs,)	
)	TRAVIS COUNTY, TEXAS
vs.)	
)	
SANDOZ, INC. f/k/a GENEVA)	
PHARMACEUTICALS, INC., EON)	
LABS,)	
)	
MYLAN PHARMACEUTICALS, INC.,)	
MYLAN LABORATORIES, INC.,)	
UDL LABORATORIES, INC.,)	
)	
TEVA PHARMACEUTICALS USA,)	
INC. f/k/a LEMMON)	
PHARMACEUTICALS, INC., COPLEY)	
PHARMACEUTICALS, INC. IVAX)	
PHARMACEUTICALS, INC., SICOR)	
PHARMACEUTICALS, INC., and)	
TEVA NOVOPHARM, INC.,)	
)	201st JUDICIAL
Defendants.)	DISTRICT

- - - -

VIDEOTAPE DEPOSITION OF: DAVID L. WORKMAN

- - - -

1 time, what his role was or what his
2 responsibilities were. Again, I don't recall
3 this memo.

4 Q. All right. Do you know what the business
5 purpose would be for Mylan to raise its AWP?

6 A. At every given point in time --

7 Q. Well, let's stick with this example.

8 A. I don't have all the data available to me to
9 make that assumption.

10 Q. Okay. Then what -- go ahead then with the
11 first answer you were about to give.

12 What purpose -- what business
13 purpose would Mylan have in raising its AWP?

14 A. At every given point in time, every product
15 and every scenario is different.

16 Our ability to increase our AWP also
17 gives us the ability to increase our WAC and
18 also increase our contract prices.

19 Q. And is that why it's important that Mylan's
20 AWP be similar to its competitors?

21 A. No.

22 Q. So, why is it important that AWP be -- you
23 stated earlier that it was important that
24 Mylan's AWP be close to its competitors.

25 A. What I stated earlier -- what I stated earlier

1 is that when we set our establish our AWP,
2 there are several factors in those decisions,
3 and one of our factors that we look at is
4 where the brand's AWP is and where other
5 generic competitors are. Okay? In any given
6 situation, we may be higher or we may be lower
7 than our competitors, however, typically, we
8 try to stay within parity, and the reason we
9 try to stay in parity is so that we are not
10 disadvantaged or different than what our
11 competitors are. We may be perceived more
12 expensive or we may be perceived less
13 expensive, and that may limit what our
14 customers may charge to their customers.

15 Q. Well, that the AWP would limit what the
16 pharmacist could charge its customers, right?
17 Is that what you're stating?

18 A. Our customers, and ultimately their customers,
19 yes.

20 Q. And couldn't you just raise the contract price
21 instead of raising the AWP and help out the
22 customer?

23 MR. ESCOBAR: Objection.

24 Q. Or lower the contract price, I guess it would
25 be?